

1 UNITED STATES COURT OF APPEALS
2 FOR THE SECOND CIRCUIT

3
4 SUMMARY ORDER

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6 THIS SUMMARY ORDER WILL NOT BE PUBLISHED IN THE FEDERAL REPORTER
7 AND MAY NOT BE CITED AS PRECEDENTIAL AUTHORITY TO THIS OR ANY
8 OTHER COURT, BUT MAY BE CALLED TO THE ATTENTION OF THIS OR ANY
9 OTHER COURT IN A SUBSEQUENT STAGE OF THIS CASE, IN A RELATED CASE, OR
10 IN ANY CASE FOR PURPOSES OF COLLATERAL ESTOPPEL OR RES JUDICATA.
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12 At a stated term of the United States Court of Appeals for the Second Circuit, held at the
13 Thurgood Marshall United States Courthouse, Foley Square, in the City of New York, on the 1st
14 day of August, two thousand and six.

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16 PRESENT:

17 HON. WILFRED FEINBERG,
18 HON. JON O. NEWMAN,
19 HON. CHESTER J. STRAUB,
20 *Circuit Judges.*
21

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23 Kuldip Singh,

24 _____ *Petitioner,*
25 -v.-

No. 05-1863-ag
NAC

26
27
28 The Board of Immigration Appeals,

29 _____ *Respondent.*
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32 FOR PETITIONER: Ashwani K. Bhakhri, Burlingame, California.

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34 FOR RESPONDENT: Donald W. Washington, United States Attorney, Western District
35 of Louisiana, John A. Broadwell, Assistant United States Attorney,
36 Shreveport, Louisiana.
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38 UPON DUE CONSIDERATION of this petition for review of the order of the Board of
39 Immigration Appeals ("BIA"), it is hereby ORDERED, ADJUDGED AND DECREED that the
40 petition for review is DENIED.

41 Kuldip Singh, a native and citizen of India, petitions for review of a March 17, 2005
42 decision of the BIA denying a motion to reopen his removal proceedings. *See In re Kuldip*

1 *Singh*, No. A78 637 932 (B.I.A. Mar. 17, 2005) (per curiam). This Court reviews the BIA's
2 denial of a motion to reopen or reconsider for abuse of discretion. *See Jin Ming Liu v. Gonzales*,
3 439 F.3d 109, 111 (2d Cir. 2006) (per curiam); *Kaur v. BIA*, 413 F.3d 232, 233 (2d Cir. 2005)
4 (per curiam). We assume the parties' familiarity with the facts and procedural history of the
5 case.

6 The BIA did not abuse its discretion in determining that Singh's second motion to reopen
7 exceeded the statutory numerical limitations. The BIA also correctly observed that Singh failed
8 to submit material evidence in support of the assertions made in his motion to reopen, and it
9 reasonably denied Singh's motion on this basis. *See* 8 U.S.C. § 1229a(c)(7); 8 C.F.R. §
10 1003.2(c)(3)(ii); *cf. INS v. Jong Ha Wang*, 450 U.S. 139, 143 (1981) (holding that court of
11 appeals erred in overturning BIA's denial of motion to reopen deportation proceeding in order to
12 apply for suspension of deportation, where alien's allegations were not supported by affidavit or
13 evidentiary material).

14 Accordingly, the petition for review is hereby DENIED.

15 FOR THE COURT:
16 Roseann B. MacKechnie, Clerk

17
18 By: _____
19 Oliva M. George, Deputy Clerk